

of increased outbreaks of E. coli food poisoning, and the horror of placing a pricetag on human life.

The sky is falling is undoubtedly next.

The only problem with all these arguments is that they are absolutely false, not just false in some small way, but false in every way. Apparently, the Chicken Littles who have engaged in these scare tactics did not even bother to read the legislation.

Had they done so, they would realize that most of the bill merely codifies Executive orders issued by every President since the Ford administration. Had they done so, they would realize this is a bipartisan piece of legislation that balances commonsense reform with the need to protect health, safety, and the environment. So here are a few facts—although I am not certain from some of the reports I read, the Ralph Naders, and the Bob Herberts of the New York Times, and others, even care about facts—but just in case somebody might care about facts, let me state some facts, and I quote directly from the legislation conveniently ignored by these liberal distortions:

Our regulatory reform legislation protects existing environmental health and safety laws.

Our legislation makes explicit that regulatory reform measures supplement and [do] not supersede—supplement and do not supersede. We are not going to supersede any law, we are going to supplement existing environmental health and safety requirements. Congress chooses the goals, and all we ask is that among several options achieving those goals that the one imposing the least possible burden be selected.

We do not see a problem, if you are going to have all these options, and one will accomplish the job with the least burden on the American taxpayer, the American consumer, the American businessman, generally small business men and women, why should we not choose that option?

However, a cost-benefit analysis of proposed regulations is not required before issuing rules that address an "emergency or health or safety threat that is likely to result in significant harm to the public or natural resources." If nonquantifiable benefits to "health, safety, or the environment" call for a more costly regulatory alternative, the agency is free to make that choice as well. And rules subject to a proposed congressional 60-day review period may be implemented without delay if "necessary because of an imminent threat to health or safety or other emergency." So it seems to me we have made it rather clear.

Some rollback.

Our regulatory reform legislation protects food safety.

Perhaps the most cowardly argument has been the one that suggests that our legislation would, in the words of one overly distraught commentator, mount "an all-out assault on food safety regu-

lations" and block implementation of the Agriculture Department's proposed meat inspection regulations.

Does any reasonable person really believe that any politician, Democrat or Republican, is trying to gut food safety laws? Of course not. But for those who have made a career on scare tactics, this argument will apparently do. If they make it, surely somebody in the media will repeat it and repeat it and repeat it. That has been done for the past several days.

All of the protections in the bill noted above apply here, too, especially the one exempting a regulation from any delay if there is "an emergency or health or safety threat." But there are several additional ironies. First, the Agriculture Department already conducted a cost-benefit analysis of the meat inspection rule, and it passed. Second, in the entire bill the only time health inspections are mentioned, it is to exempt them from risk assessment requirements under this bill.

Our regulatory reform legislation does not place a price tag on human life.

The argument that regulatory reform would place a price tag on human life usually carries with it the notion that some lives will be worth more than others. This is a cynical argument and is completely at odds with what the bill would actually accomplish.

First, not only does the bill avoid putting a price tag on life, it explicitly recognizes that some values are not capable of quantification. Thus, both costs and benefits are defined in the legislation to include nonquantifiable costs and benefits.

The legislation also provides that in performing a cost-benefit analysis, there is no requirement to do so "primarily on a mathematical or numerical basis." And, second, agencies may choose higher cost regulations where warranted by "nonquantifiable benefits to health, safety or the environment."

Nothing could be more clear to this Senator, and we hope we have made it clear in the bill, which is sponsored by Republicans and Democrats.

Mr. President, I have quoted from the bill wherever possible. It is interesting that opponents of the bill never do. They probably have never seen the bill and do not know the numbers, and they do not intend to read it. They have bought into this nonsense that some Members of Congress are for dirty meat, that we want dirty meat—that is what I have read—that we want people to die of food poisoning.

I know they do not like to read these things because it is inconvenient, and they do not want the facts in many cases. But I challenge the opponents to stop distorting the truth and start seeking it. They can read the bill. To help them, I have prepared a summary of provisions that address the protections for health, safety, and the environment that I will include with this statement in the RECORD.

Then opponents can start telling us why they are really upset by regu-

latory reform. I suspect it has less to do with threats to the environment and more to do with the threat to Federal power in Washington, DC.

We have a lot of bureaucrats that might lose their jobs if we can ease some of the burdens on consumers, farmers, ranchers, small businessmen and women, the people who have to pay for all the regulations, and, in some cases, the costs exceed the benefits. In some cases, there are no benefits at all. The most costly regulations are usually the ones that impose a Government-knows-best requirement, and there is an entire culture devoted to telling the American people that the Government knows best; Washington, DC, knows best.

Our legislation is a direct threat to a smug assertion. By golly, we ordinary Americans hope you agencies do not take it personally, but we would really like you to show us why a rule imposing hundreds of millions of dollars makes sense and was the only way to do it.

So we think we are on to something here. It should not be a partisan issue, and it is not a partisan issue. A lot of my good colleagues on the other side of the issue are supporting this, and we hope to have more before the week is out.

The opponents are right in one respect: This is one of the most important pieces of legislation this Congress will address. Americans pay more in regulatory costs than they do to Uncle Sam through income taxes. Overregulation costs the American family an estimated \$6,000 a year. I believe we can ensure regulations that both promote important goals like food safety and also minimize costs wherever possible, and I believe it is our obligation to do so. In that respect, I am an optimist. I have never succumbed to the chirpings of the Chicken Littles and do not intend to start now.

Mr. President, I ask unanimous consent that a section-by-section analysis of this legislation, particularly as it relates to protection of human health, safety, and environment, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 343: Responsible Regulatory Reform That Protects Health, Safety and the Environment

S. 343 DOES NOT OVERRIDE EXISTING HEALTH, SAFETY AND ENVIRONMENTAL LAWS

Sec. 624(a)—Cost-benefit requirements "supplement and [do] not supersede" health, safety and environmental requirements in existing laws.

Sec. 628(d)—Requirements regarding "environmental management activities" also "supplement and [do] not supersede" requirements of existing laws.

S. 343 PROTECTS HUMAN HEALTH, SAFETY AND THE ENVIRONMENT

Sec. 622(f) and Sec. 632(c)(1)(A)—Cost-benefit analyses and risk assessments are not required if "impracticable due to an emergency or health or safety threat that is likely to result in significant harm to the public or natural resources."

Sec. 624(b)(3)(B)—An agency may select a higher cost regulation when “nonquantifiable benefits to health, safety or the environment” make that choice “appropriate and in the public interest.”

Sec. 624(b)(4)—Where a risk assessment has been done, the agency must choose regulations that “significantly reduce the human health, safety and environmental risks.”

Sec. 628(b)(2)—Requirements for environmental management activities do not apply where they would “result in an actual or immediate risk to human health or welfare.”

Sec. 629(b)(1)—Where a petition for alternative compliance is sought, the petition may only be granted where an alternative achieves “at least an equivalent level of protection of health, safety, and the environment.”

Sec. 632(c)—Risk assessment requirements do not apply to a “human health, safety, or environmental inspection.”

#### S. 343 DOES NOT DELAY HEALTH, SAFETY AND ENVIRONMENTAL RULES

Sec. 622(f) and Sec. 632(c)—Cost-benefit and risk assessment requirements are not to delay implementation of a rule if “impracticable due to an emergency or health or safety threat that is likely to result in significant harm to the public or natural resources.”

Sec. 533(d)—Procedural requirements under the Administrative Procedures Act may be waived if “contrary to the public interest.”

Sec. 628(b)(2)—Requirements for major environmental management activities are not to delay environmental cleanups where they “result in an actual and immediate risk to human health or welfare.”

Sec. 801(c)—Congressional 60-day review period before rule becomes final may be waived where “necessary because of an imminent threat to health or safety or other emergency.”

#### S. 343 DOES NOT PLACE A “PRICE TAG ON HUMAN LIFE”

Sec. 621(2)—“Costs” and “benefits” are defined explicitly to include “nonquantifiable,” not just quantifiable, costs and benefits.

Sec. 622(e)(1)(E)—Cost-benefit analyses are not required to be performed “primarily on a mathematical or numerical basis.”

Sec. 624(b)(3)(B)—An agency may choose a higher cost regulation when “nonquantifiable benefits to health, safety or the environment” dictate that result.

### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for up to 5 minutes each.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

### SUPPORTING REGULATORY REFORM

Mr. THOMAS. Mr. President, I rise in strong support of S. 343, the Comprehensive Regulatory Reform Act, which will be before us today and, I suspect, for the remainder of the week.

I think that this is one of the most exciting opportunities that we have had this year. This is one of the opportunities for this Congress and this Sen-

ate, this Government, to take a look at some of the things that have been going on for 30 years, 40 years, without much examination, which have simply grown and have continued to become more expensive and larger, without a real examination of whether or not what is being done is the most effective way to do it, or whether or not it could be done in a less costly way. I think it is an exciting opportunity.

I have just returned, as have most of our associates, from a week in my home State of Wyoming. We did a series of town meetings and met with the rangeland users and met with the sugar beet growers and the chamber of commerce and the Rotary. As has been the case for some time, the issue most often mentioned is overregulation and the cost of overregulation. So I am excited about the opportunity to do something about that.

I suspect that we will run into the same kinds of discussions that we have when we talk about doing something about welfare reform—that somehow those of us who want some change in what we have been doing are less compassionate than those who want the status quo; that somehow those of us who want to take a look at and change the way regulation is imposed are less caring about the environment and about clean water and clean air than those who support the status quo. That is simply not true.

I suspect that we will hear from the opposition on this bill that somehow this bill will remove all of the regulatory requirements that exist. Not so. We will hear that somehow the regulations that are in place to protect us for various kinds of water and air problems will be eliminated or superseded. That is simply not so.

Many people can imagine what the last election was about. But I think we have talked about it a great deal. There were at least three things that I think were most important to the people of Wyoming. One was that the Federal Government is too big, that it costs too much, and that we are overregulating. I think those are genuine responses that people feel very strongly about.

So, Mr. President, here is our opportunity to do something about that. Clearly, the regulatory system is broken. What is being proposed does not do away with regulations. It simply says there is a better way to do it.

As our leader just indicated, overregulation is a hidden tax that is passed on to consumers. It is not absorbed by businesses. It is not a business issue, even though much of it affects business. The costs are passed on to you and to me. Furthermore, the regulations are not confined to business. It goes much beyond that, into small towns, cities, the universities, and other areas.

Unfortunately, regulations have been applied generally. In our Wyoming Legislature, I am proud that we have a situation where the statute is passed

by the legislature, the agency that is affected drafts and creates the regulation, and it comes back to the legislature for some overview to see, No. 1, if it is within the spirit of the statute; No. 2, to see if it is indeed cost beneficial, that what it is set to accomplish is worth the cost of accomplishment.

We do not even have here an analysis of what the cost will be. The cost of regulation, as the leader indicated, is more than personal tax revenues. Some estimate it between \$650 billion and \$800 billion. Now, this bill will not eliminate all of that cost, of course, because there is a need for regulation, and there is a cost with regulation. The point is that we are looking for a way to apply that regulation in as efficient and effective a manner as can be and do something that has not been done for a long time, and that in the application of the regulation, to use some common sense in terms of what it costs with respect to what the benefits are, and to take a look at risk-benefits ratios to see if what will be accomplished is worth the cost and the effort of the application.

Furthermore, it gives us an opportunity to go back to some regulations that have existed and look at them. Let me give an example. In Buffalo, WY, there are 3,500 people. The EPA said we need to enforce the Safe Drinking Water Act. Fine. They are willing to do that. They are willing to put in a filtering system that costs \$3 million for a town of 3,500 and made a good-faith effort to comply.

One year later, EPA responded and said they would send a compliance schedule. Buffalo never received the schedule.

Then when Buffalo proceeded as they had set forth in their schedule, EPA claimed that Buffalo never let them know what was going on.

After that was worked out, EPA accepted, in writing, the town of Buffalo's plan. The following year, EPA again claimed the city did not let them know what was going on and referred the case to the Department of Justice for prosecution.

When asked what happened, EPA said, “We changed our mind.” The bottom line, the city of Buffalo wanted to comply with the Federal mandate, but the Federal overregulation and bureaucracy prevented that.

The University of Wyoming. We had several contacts from the University of Wyoming asking for a list of issues they were most concerned about. Do you know what was at the top of the list? Overregulation. Not grants, not money—overregulation. This is the university. This is not a business. This is the university, where a good amount of their resources were there to educate young people.

We have the same problem in health regulations, in the disposal of health care waste, which goes far beyond the clean air. It will cause some of the small hospitals in Wyoming to be closed.